

1.16 Local Agency Responsibilities

POLICY:

The Local Agency is designated by the State Agency in accordance with Federal Regulations. In making decisions to initiate, continue, and discontinue a Local Agency, the State Agency will consider the need for Program benefits as delineated in the Affirmative Action Plan.

PROCEDURE:

A. Agreement with the Local Agency

1. The State Agency will enter into a signed written agreement with each Local Agency, including subdivisions of the State Agency, which sets forth the Local Agency's responsibilities for Program operations as prescribed in this part. Copies of the agreement will be kept on file at both the State and Local Agencies.
2. Neither the State Agency nor the Local Agency has an obligation to renew the Agreement.
 - a. The expiration of an agreement is not subject to appeal.
 - b. The State Agency will provide the Local Agency with advance written notice of the expiration of an agreement (**see Policy 1.17, Fair Hearing Policy for Local Agencies**).

B. Provisions of Agreement

1. The agreement between the State Agency and each Local Agency will ensure that the Local Agency:
 - a. Complies with all the fiscal and operational requirements prescribed by the State Agency;
 - b. Provides on a timely basis to the State Agency all required information regarding fiscal and Program administration;
 - c. Has a Competent Professional Authority (CPA) on the staff of the Local Agency and the capabilities necessary to perform the certification procedures;
 - d. Makes available appropriate health services to participants and informs applicants of the health services which are available;
 - e. Prohibits smoking in the space used to carry out the WIC Program during the time any aspect of WIC services are performed;

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- f. Has a plan for continued efforts to make health services available to participants at the clinic or through written agreements with health care providers when health services are provided through referral;
- g. Provides nutrition education services, including breastfeeding promotion and support, to participants in compliance with policies set forth by the State Agency;
- h. Implements a food delivery system prescribed by the State Agency and approved by FNS;
- i. Maintains complete, accurate documentation and current accounting of all Program funds received and expended;
- j. Maintains on file and has available for review, audit, and evaluation all criteria used for certification, including information on the area served, income standards used, and specific criteria used to determine nutritional risk; and
- k. Does not discriminate against persons on the grounds of race, color, national origin, age, sex or handicap; and compiles data, maintains records and submits reports as required to permit effective enforcement of the nondiscrimination laws.

C. Local Agency Staffing Standards

1. The Local Agency will assure adequate staff are available to provide Program benefits to participants in the most effective and efficient manner including, but not limited to the functions of nutrition education, certification, monitoring, fiscal reporting and food delivery.
2. The Local Agency will employ an administrator who is a qualified Competent Professional Authority (CPA) to serve as the Local Agency WIC Director or Acting WIC Director. The Local Agency WIC Director will, along with contractual and other required duties:
 - a. Act as a designated line of communication and authority between the State Agency and the Local Agency; and
 - b. Assure Local Agency compliance with Program policies and procedures.
3. The Local Agency will employ adequate Competent Professional Authority (CPA) personnel (see **Policy 11.02 Competent Professional Authority**) to assure equitable distribution in all WIC clinics served by the Local Agency.
4. The Local Agency will employ Breastfeeding Peer Counselor personnel as determined by the State Agency (see **Policy 5.20, West Virginia Breastfeeding Program**).

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5. The Local Agency will employ adequate clerical personnel to assure equitable distribution in all WIC clinics served by the Local Agency.

REFERENCES:

1. WIC Regulations 7 CFR 246.5, Selection of Local Agencies
2. WIC Regulations 7 CFR 246.6, Agreements with Local Agencies
3. WIC Nutrition Services Standards, Standard 2 Clinic Environment and Customer Service
4. WIC Nutrition Services Standards, Standard 3 Staff Qualifications, Roles and Responsibilities